

REMARKS

This amendment is filed with a Request for Continued Examination in response to the final Official Action mailed February 28, 2005 and the subsequent Advisory Action of June 1, 2005. Petition is hereby made for Continued Examination and authorization is given to charge the required fee to Deposit Account 180013. Reconsideration of the application in light of the preceding amendments and the following remarks is respectfully requested.

Claims 1-32 and 39-42 are currently pending for consideration. Claims 33-38 have been withdrawn from consideration under a Restriction Requirement.

With regard to the prior art, the final Office Action rejected claims 1-4, 7, 9, 11, 13, 14, 16-19, 22, 26, 28, 29, 31 and 32 as unpatenable under 35 U.S.C. § 103(a) over the combined teachings of U.S. Patent No. 6,289,169 to Okuyama ("Okuyama") and U.S. Patent No. 5,892,536 to Logan et al. ("Logan"). The other dependent claims in the application were also rejected in view of Okuyama and Logan in combination with a variety of other secondary references. For at least the following reasons, these rejections are respectfully traversed.

Claim 1 recites:

A personal versatile recorder for recording any type of data comprising:
a central processing unit;
a data storage device;
a connection to a cable television system for receiving a signal comprising television programming and a data transport stream for transmitting multimedia files or computer software;
wherein said central processing unit selectively records said television programming and data from said data transport stream on said data storage device.

In contrast, the combined teachings of Okuyama and Logan fail to teach or suggest a recorder or method of recording that includes receipt of a signal carrying *both* television

programming and other data, such as multimedia files and computer software, where the television programming and other data are selectively recorded *on the same data storage device*. Neither cited reference teaches a signal carrying multimedia files or computer software. Moreover, the final Office Action fails to note that the claimed recorder stores all forms of data on a common data storage device.

Okuyama teaches a system in which television programming is recorded on either a Video Tape Recorder (VTR) or a DVD player. These devices, as explained by Okuyama, are suitable for recording television programming delivered, for example, as an MPEG digital transport stream. However, the VTR and DVD of Okuyama are not used to selectively store television programming *in addition to* other data such as multimedia files or software. According to Okuyama, “a recording/reproducing unit 42 of the DVD 4 is designed to record an inputted transport stream after converting it into a program stream (PS).” (Okuyama, col. 6, lines 12-14). Okuyama does not teach or suggest also storing other data such as software or a multimedia file on the VTR or DVD unit.

Similar to Okuyama, Logan only teaches recording video programming on a Video Cassette Recorder (VCR). (Logan, col. 10, lines 12-22). Obviously, a VCR is not also used to store other forms of data such as computer software or multimedia files. According to Logan, any other data is handled separately by a “sub-carrier system.” (Logan, col. 2, lines 25-39). Thus, Logan also does not teach or suggest a system or method, as claimed, in which a signal is received carrying both television programming and other data such as software or multimedia files and selectively recorded on the same data storage device.

Thus, neither of the two cited references teach or suggest a recorder or method of recording that includes receipt of a signal carrying both television programming and other data, such as multimedia files and software, where the television programming and other data

are selectively recorded on the same data storage device. Therefore, the combination of Okuyama and Logan fails to teach or suggest the features of the claims.

"To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)." M.P.E.P. § 2143.03. Accord. M.P.E.P. § 706.02(j). Therefore, for at least these reasons, the rejection of claims 1-32 and 39-42 should be reconsidered and withdrawn.

Similarly, independent claim 16 recites:

A method of receiving and recording television programming and any type of multimedia data with a personal versatile recorder, said method comprising selectively recording on a single data storage device television programming, steamed audiovisual content, a multimedia file and computer software that is received by said personal versatile recorder in a composite signal that includes at least one data transport stream and a television signal.

In contrast, the combination of Okuyama and Logan fails to teach or suggest a method of recording *on a single data storage device* television programming, streamed audiovisual content, a multimedia file *and* computer software that is received by said personal versatile recorder in a composite signal.

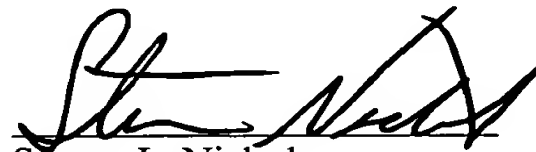
"To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)." M.P.E.P. § 2143.03. Accord. M.P.E.P. § 706.02(j). Therefore, the rejection of claim 16 and its dependent claims should be reconsidered and withdrawn.

For the foregoing reasons, the present application is thought to be clearly in condition for allowance. Accordingly, favorable reconsideration of the application in light of these

remarks is courteously solicited. If any fees are owed in connection with this paper which have not been elsewhere authorized, authorization is hereby given to charge those fees to Deposit Account 18-0013 in the name of Rader, Fishman & Grauer PLLC. If the Examiner has any comments or suggestions which could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the number listed below.

Respectfully submitted,

DATE: 28 June 2005


Steven L. Nichols
Registration No. 40,326

Steven L. Nichols, Esq.
Managing Partner, Utah Office
Rader Fishman & Grauer PLLC
River Park Corporate Center One
10653 S. River Front Parkway, Suite 150
South Jordan, Utah 84095

(801) 572-8066
(801) 572-7666 (fax)

CERTIFICATE OF MAILING

DATE OF DEPOSIT: June 28, 2005

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail on the date indicated above in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Brian J. Riddle